

EXHIBIT 6



October 26, 2022

Kwaine Thompson
George R. Vierno Center
09-09 Hazen Street
East Elmhurst, NY 11370
Re: Investigation Division Case #N1131/2021

Dear Kwaine Thompson,

This letter is to inform you that the New York City Department of Correction Investigation Division conducted a thorough and impartial investigation into your allegation of sexual harassment that reportedly occurred on or about December 3, 2021, at the George R. Vierno Center.

As of March 30, 2022, the Investigation Division closed its investigation with the following disposition:

- ☐ **SUBSTANTIATED – The allegation was investigated and determined to have occurred.**
- ☒ **UNSUBSTANTIATED – The allegation was investigated, and the investigation produced insufficient evidence to make a final determination as to whether or not the event occurred.**
- ☐ **UNFOUNDED – The allegation was investigated and determined not to have occurred.**

Alleged staff involved:

- ☒ **The employee is no longer posted within the complainant's unit**
- ☐ **The employee is no longer employed at the facility**
- ☐ **The employee was indicted/convicted on a charge related to sexual abuse within the facility**

Alleged PIC involved:

- ☐ **The PIC is no longer housed within the complainant's unit**
- ☐ **The PIC was indicted/convicted on a charge related to sexual abuse within the facility**

This letter serves to inform addressee that the investigation is completed.

Sincerely,

Tiffany Robinson-McAulay, Deputy Director Investigation Division – ID PREA



New York City Department of Correction
Investigation Division
PREA TEAM Callout Report and Checklist
Enter Case #: N1131/21



PREA ALLEGATION – Short form revised
Investigation - PREA Reportable Incident

Investigator: Saldarriaga #880

Section I

COD# 3721/21 (GRVC) Staff on Inmate Sexual Abuse; Victim: Inmate Thompson, Kwaine B&C# 3491901450 / NYSID# 07289661Q (DOB: [REDACTED]/1974; DOA 03/01/2019); Alleged Involved: Unknown staff
NO TASK ID # - PREA Hotline

Facility Notification Separation Requested: Yes ☐ No ☒

SI K. WRIGHT REQUESTED DOI CLEARANCE DECEMBER 3, 2021 @1148AM DOI S. DUMAS CLEARED ON DECEMBER 3, 2021 @1149AM.

Background

On Friday, December 3, 2021 at approximately 0849 hours, CO Washington #5151 - from P.R.E.A., notified ID PREA of a confidential allegation received via PREA Hotline involving Inmate Thompson, Kwaine B&C# 3491901450 / NYSID# 07289661Q. The allegation was received as follows:

Transcription of Complaint:

“Good Evening ID PREA Supervisors,

This is a voicemail received on the PREA Hotline from Inmate Thompson, Kwaine B+C 349-19-01450 / NYSID 07289661Q housed in GRVC housing unit 2A. Thompson is calling for an update status on a previous PREA complaint and also stated that he is being retaliated against.”

Genetec or handheld video: Yes ☒ No ☐ **Summary:**

ID investigators responded to the alleged incident on December 3, 2021, and Inmate alleged of a sexual incident which occurred in March or May of 2021. **There are no records of Inmate Thompson making an allegation during the mentioned dates and by the time of Inmate statement video footage had expired.**

Findings

Preliminary Finding: Unsubstantiated

Final Determination: Unsubstantiated

PREA Reportable Incident? Yes ☒ No ☐ (Refer to Federal Standards)

Inmate in Custody at Closing Yes ☒ No ☐ Determination Findings Letter Sent Yes ☒ No ☐

If Discharged? Yes ☐ No ☒

Date:

Victim History

IIS housing, movement and Infractions Inmate Thompson was admitted to DOC custody on March 1, 2021, and was housed in GRVC during the time of the allegation. Inmate was housed in **VCBC 08/14/20 – 08/29/21.**
IRS (list recent incidents, i.e. contraband and/or UOF) IRS returned with zero (0) incidents on file.

Alleged Perp Inmate/Staff History

IIS housing, movement and Infractions. NA

IRS (list recent incidents, i.e. contraband and/or UOF). NA

Open cases (history of PREA allegations). NA

Additional staff identified: NA

Interview Process

Inmate Statement: Yes ☒ No ☐ **Indicate date, time and location of refusal:**

Conducted in a confidential setting: Yes ☒ No ☐ **Location:**

Witness Statement (s): Yes ☐ No ☒

Witnesses provided by victim/perp: Yes ☐ No ☒

Canvass completed: Yes ☒ No ☐ **Indicate how many interviews and how were they chosen:** A canvass was not completed to Inmate Thompson not providing information in regards to the location where the alleged incident occurred.



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Hope for Healing Book: Yes ☐ No ☒

Medical Release: Yes ☐ No ☒

Photograph victim, visible physical injuries, area of incident and evidence (prior to collection): Yes ☐ No ☒

Notification

Facility Tour Commander (Medical, Mental and Ministerial Services/Victim Services) Yes ☒ No ☐
Information provided:

Section II Sexual Abuse Report	
Patient seen by medical? (If No, Explain):	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
Patient seen by Mental Health?	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
Patient seen by Ministerial Services?	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
Patient informed on Victim Services?	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
Patient seen by Urgent Care?	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
Patient Referred to Hospital?	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
Crime Scene Established? (Why or why not (Explain): There was no crime scene, therefore one was not stablished.	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
Sexual Abuse Evidence Collection Kit Prepared?	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
NYPD Complaint Report? (When/where (details): Include in narrative complaint and aided #	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
Property Voucher (PETS)? (When/where (details): Include in narrative voucher #, items collected and location collected.	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
Request for Lab Assessment? (When/where (details): Include in narrative specifically what the items are being tested for and against.	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
SCOC Reportable Incident? (When/where (details): Include in narrative specific action that qualified event as reportable i.e. NYS Penal Law	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> SCOC #176624

Section III

Post Interview

Inmate Injury Report: Yes ☒ No ☐

Housing Area Logbook: Yes ☐ No ☒

Staff Reports i.e. First responder: Yes ☐ No ☒ Indicate name of staff: |

Clinic Logbook: Yes ☐ No ☒

Control Room Logbook: Yes ☐ No ☒

Crime Scene Logbook(s): Yes ☐ No ☒

Area of incident and Front gate

Crime Scene (Determined by either facility or responding investigator)

Evidence Collected: Yes ☐ No ☒ Voucher # |

(Photograph and place in evidence collection bag and mark for chain of custody)

Contact Duty DDI for dismantle of crime scene Yes ☐ No ☒

Call COD to report time of crime scene dismantled and approving DDI Yes ☐ No ☒



New York City Department of Correction
Investigation Division
 [PREA TEAM Callout Report and Checklist]
 Enter Case # N1 131/21



Take possession of crime scene video i.e. tape or memory card (provide sign receipt for chain of custody)
 Yes ☐ No ☒

Callout/Summary Assessment (Include all inmate statements i.e. interview, grievance, telephone, infraction hearing, and staff reports):

Securus Review

Investigator Saldarriaga #880 conducted a securus review for Inmate's Thompson's phone calls for December 3, 2021.

The securus review returned with zero (0) phone calls pertaining to the allegation.

PREA Hotline:

Investigator Checo #930 accessed the PREA Hotline voicemail.

Upon connection to PREA Hotline, Inmate Thompson yes this is uh Kwaine Thompson B&C number 3-4-9-1-9-0-1-4-5-0, again, my name is K-W-A-I-N-E T-H-O-M-P-S-O-N. I'm currently housed in GRVC 09-09 Hazen Street, 2 building, one (1) cell. **I'm calling in regards to the sexual assault that happened to me, sexual abuse that happened to me on the boat, VCBC, this year. They said they would be a five (5) month investigation and it's been, I think a little over five (5) months now and nobody from PREA came to let me know what was the outcome of their investigation. Also, I feel like I'm being retaliated against and I would like to speak to someone as soon as possible. Thank you."** Call ended.

Inmate Statement

Thompson, Kwaine B&C: 3491901450/NYSID: 07289661Q (Statement obtained under COD 3721/21)

On Friday, December 3, 2021, Investigator Reeves #896, and Saldarriaga #896 arrived to GRVC to interview Inmate Thompson. At 1504 hours the Tour Commander's office advised Investigators that there were no escorts available to escort Inmate Thompson.

Investigators proceeded to housing area 2A and interviewed Inmate Thompson at 1510 hours. Inmate Thompson stated he wants to know why he has not received any results or follow up from his last sexual abuse allegation in VCBC that took place in either March or May of this year. Inmate Thompson feels like the CO from that allegation called over to GRVC and told everyone that he is a rapist. Inmate Thompson does not remember the CO from that allegation's name, but he feels like she has allies in the building. Inmate also showed Investigators documentation of UOF's and tickets that he stated he has not gone to any hearings for. Inmate stated that he does not have any issues with any specific officer, but he feels like the system is against him.

Thompson, Kwaine B&C: 3491901450/NYSID: 07289661Q (Statement obtained under COD 3875/21).

On Sunday, 12/19/2021, Captain Richards dispatched Investigators Rolon #864 and Kriley #843 to interview Inmate Thompson.

Upon arrival GRVC was in alarm status therefore investigators proceeded to housing area 2A. At 1745 hours Inmate Thompson agreed to provide a verbal statement.

In sum and substance stated that **while housed in VCBC around March 2021 he contracted an STD from an unknown officer he had sexual intercourse with. Inmate did not know the name of the officer only stating it was a female and that she was going around telling other officers that "he has a big dick, knows how to fuck and has a big package".** Added that since being moved to GRVC he feels he is being targeted by other officers due to his previous "sexual encounter with that female officer". In specific Inmate Thompson alleges how there is a "Captain Palmer Campbell" who is denying him services such as no yard time, no religious services and no clinic appointments just because he would not "let her see it". **Mentions how two (2) days ago, 12/17/21,** he had a nose bleed around 945PM and advised the B post officer who then notified the A post. Inmate stated that a Captain was supposed to come escort him to the clinic, however, no one came so he set a fire in his cell. He was then escorted by this Captain Palmer-Campbell to the clinic where he was then advised by the doctor to see mental health for an apparent suicide attempt. He states that the Captain then wrote in the logbook that he refused and



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was escorted back to his housing area without him actually refusing. He then noted that while in that same clinic the Captain approached him to take him back at which point “she tried to grab his crotch but he pulled away”, Thompson stated this occurred around 2AM and this was not the first time she tried to grab him. Further added that he has yet to see mental health in regard to that incident for setting the fire in his cell. Inmate Thompson did make note that he has previously spoken to ID PREA in regard to allegations he made about being targeted adding that he spoke with investigators about 3 to 4 weeks ago about it. Interview concluded at 1816 hours.

Injury to Inmate report

Injury # FY-22/1046 (12/10/21)

Injury report does not provide further information pertaining to the allegation.

Analysis

On December 3, 2022, the Investigation Division received a complaint from the PREA hotline stating that Inmate Thompson made complaint stating that he was sexually abused. On December 3, 2022, the Investigation Division responded to GRVC in pursuant to a complaint made by Inmate Thompson. In sum and substance, Inmate Thompson alleged that he has not received any information regarding a sexual abuse allegation that occurred in VCBC in either March or May of 2021. The mentioned allegation is regarding case N0559/21 which is currently open. Inmate Thompson then stated that he feels the officer from the mentioned allegation had “called” GRVC and told everyone that he is a rapist. Inmate Thompson did not provide further information regarding the allegation he made in VCBC. Inmate Thompson did not provide the information of the alleged Officer who sexually abused him VCBC. A securus review was conducted to obtain more information pertaining to the allegation and it returned with zero (0) findings. Inmate Thompson did not provide information of the alleged incident for a video review to be conducted. Based on the preponderance of the evidence is **RECOMMENDED** for this case to be **CLOSED** as **UNSUBSTANTIATED** and with **NO** charges.

Conclusion

Based on the preponderance of the evidence, it was determined the allegation made by Inmate Thompson is **UNSUBSTANTIATED** and **CLOSED** with **NO** charges.

Final Determination: ☐ Substantiated ☒ Unsubstantiated ☐ Unfounded
Charges ☐ No Charges ☒ Facility Referral ☐ Referral #

Print Name & Investigator's signature and date	Print Name & Supervisor/Tour Commander's signature and date
██████████ Saldarriaga #880 <i>[Signature]</i> 3.23.22	██████████ Wright #895 <i>[Signature]</i> 3/30/22
Print Name & Deputy Director signature and date	Approver Comments
Ingris Martinez #888 <i>[Signature]</i> 3/30/22	

PREA COMPLIANCE DATA LIST

COD# 3721/21 (GRVC) Staff on Inmate Sexual Abuse; Victim: Inmate Thompson, Kwaine B&C# 3491901450 / NYSID# 07289661Q (DOB: [REDACTED]/1974; DOA 03/01/2019); Alleged Involved: Unknown staff NO TASK ID # - PREA Hotline

Facility Notification Separation Requested: Yes ☐ No ☒

SI K. WRIGHT REQUESTED DOI CLEARANCE DECEMBER 3, 2021 @1148AM DOI S. DUMAS CLEARED ON DECEMBER 3, 2021 @1149AM.

Investigation - PREA Reportable Incident

PREPARED BY: Saldarriaga

Referred to DOI: Yes ☐ No ☒

DOI Clearance provided: Yes ☐ No ☐ N/A ☒

Referred to DA: Yes ☐ No ☒

DOI/DA Investigation: Yes ☐ No ☒

Source of Reporting: Inmate Victim

Method of Reporting: 311

Over 24 Hours in Custody: Yes ☒ No ☐

Date 12/3/2021 **Time:** Choose an item.

Location/Housing area type:

Separation Requested:

Yes ☐ No ☒

VERIFIED via IIS

Yes ☐ No ☒ Initial: Date:

Perp prior history reviewed?

Yes ☐ No ☒

Patient seen by medical?

Yes ☒ No ☐

(If No, Explain):

Patient seen by Mental Health?

Yes ☒ No ☐

Patient seen by Ministerial Services?

Yes ☒ No ☐

Patient informed on Victim Services?

Yes ☒ No ☐

Associated with a UOF Reported/Alleged?

Yes ☐ No ☒ UOF #

SCOC Reportable Incident?

Yes ☒ No ☐ SCOC #176624

Abuse/Harassment Allegation Sub-Category:

ABUSE: Inappropriate Touch

HARASSMENT: Choose an item.

Preliminary Determination: ☐ Substantiated ☒ Unsubstantiated ☐ Unfounded

DEMOGRAPHICS OBSERVED:

Physical Disability: Yes ☐ No ☐ Unk ☒ Developmental Disability: Yes ☐ No ☐ Unk ☒

Age at time of Incident: Age Range: Choose an item.

EVIDENCE PRESERVED:

Crime Scene Established:

Yes ☐ No ☒

Video:

Yes ☒ No ☐

Incident Captured: Yes ☐ No ☒

Telephone Statements (including 311):

Yes ☒ No ☐

Physical items collected:

Yes ☐ No ☒

DNA collection:

Yes ☐ No ☒

Sexual Assault Kit:

Yes ☐ No ☒

NYPD 61 Complaint:

Yes ☐ No ☒ Complaint#:

Findings

Inmate Infraction Yes ☐ No ☒ Charge: _____

Inmate in Custody at Closing Yes ☐ No ☒

If Discharged? Yes ☐ No ☒ Date: 1/22/2020

Determination Findings Letter Sent Yes ☒ No ☐

Based Upon A Preponderance Of The Evidence:

PREA COMPLIANCE DATA LIST

Analysis

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Print Name & Investigator's signature and date	Print Name & Supervisor/Tour Commander's signature and date
██████████ Saldarriaga #880 <i>Mary A. Saldarriaga 3-26-22</i>	██████████ Wright #895 <i>[Signature]</i>
Print Name & Deputy Director signature and date	Approver Comments
██████████ Martinez #888	

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22 Civ. 1458 - S.D.N.Y.



[Home](#) [Logout](#)
Welcome Henryhsaldarriaga Saldarriaga

Incident Information

Inserted Date & Time: 12/03/2021 17:57

General:

Occurred Date & Time: 12/03/2021 00:00 **Reported Date & Time:** 12/03/2021 17:54
COD#: 3721/21 **Facility Log#:** 33GV45
Reported By: ADW PENG **Reported To:** ADW COX

Incident detail:

Primary Incident Type: Sexual Abuse **Primary Incident Status:** Alleged
Splashing: No **Workplace Violence:** No
Taser Display: No **Allegation Type:** Staff On Inmate
SCOCINDC: No

Location:

Facility: George R. Viero Center **Facility Area:** Other
Video Recording? Unknown
Housing Area: **Location Description:**

Incident Description:

Initial Description: AT 1754 HOURS, THE FACILITY REPORTED A CONFIDENTIAL ALLEGATION.
Edited Description: AT 1754 HOURS, THE FACILITY REPORTED A CONFIDENTIAL ALLEGATION.

Update Comments:

Inserted Date and Time	User ID	Update Comment
12/03/2021 18:24	TCox	
12/03/2021 18:24	TCox	EDITTEXT

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Saldarriaga, [REDACTED]

From: Saldarriaga, [REDACTED]
 Sent: Friday, February 18, 2022 7:35 PM
 To: Saldarriaga, [REDACTED]
 Subject: COD 3721/21

6. COD# 3721/21 (GRVC) Unknown on Inmate Sexual Abuse; Victim: Inmate Thompson, Kwaine B&C# 3491901450 / NYSID# 07289661Q (DOB: [REDACTED] 974; DOA 03/01/2019); Alleged Involved: NO TASK ID# . PREA Hotline

SI K. WRIGHT REQUESTED DOI CLEARANCE DECEMBER 3, 2021 @1148AM DOI S. DUMAS CLEARED ON DECEMBER 3, 2021 @1149AM.

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Message: "Good Evening ID PREA Supervisors,

This is a voicemail received on the PREA Hotline from Inmate Thompson, Kwaine B+C 349-19-01450 / NYSID 07289661Q housed in GRVC housing unit 2A. Thompson is calling for an update status on a previous PREA complaint and also stated that he is being retaliated against."

PREA Hotline:

Investigator Checo #930 accessed the PREA Hotline voicemail.

Upon connection to PREA Hotline, Inmate Thompson yes this is uh Kwaine Thompson B&C number 3-4-9-1-9-0-1-4-5-0, again, my name is K-W-A-I-N-E T-H-O-M-P-S-O-N. I'm currently housed in GRVC 09-09 Hazen Street, 2 building, one (1) cell. I'm calling in regards to the sexual assault that happened to me, sexual abuse that happened to me on the boat, VCBC, this year. They said they would be a five (5) month investigation and it's been, I think a little over five (5) months now and nobody from PREA came to let me know what was the outcome of their investigation. Also, I feel like I'm being retaliated against and I would like to speak to someone as soon as possible. Thank you." Call ended.

Securus Review:

Investigator Checo #930 accessed Securus for Inmate Thompson and found zero (0) call(s) pertinent to this allegation.

Inmate Interview

Thompson, Kwaine B&C# 3491901450

On Friday, December 3, 2021, Investigator Reeves #896, and Saldarriaga #896 arrived to GRVC to interview Inmate Thompson. At 1504 hours the Tour Commander's office advised Investigators that there were no escorts available to escort Inmate Thompson. Investigators went to housing area 2A and interviewed inmate Thompson at 1510 hours. Inmate Thompson stated he wants to know why he has not received any results or follow up from his last sexual abuse allegation in VCBC that took place in either March or May of this year. Inmate Thompson feels like the CO from that allegation called over to GRVC and told everyone that he is a rapist. Inmate Thompson does not remember the CO from that allegation's name, but he feels like she has allies in the building. Inmate also showed Investigators documentation of UOF's and tickets that he stated he has not gone to any hearings for. Inmate stated that he does not have any issues with any specific officer, but he feels like the system is against him.

This allegation was reported to DL- TC, GRVC email on 12/3/21 at 1719 hours, who was instructed to provide inmate Thompson with medical, mental health, and ministerial services. Tour Commander was also instructed to report the allegation to COD and separate involved parties.

ASSIGNED TO INVESTIGATOR SALDARRIAGA

Saldarriaga
Investigator #880|
Intelligence, Investigation and Trials Division (HQ)
New York City Department of Correction

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